

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

GENERAL ACCESS SOLUTIONS, LTD.,

Plaintiff,

v.

CELLCO PARTNERSHIP D/B/A VERIZON
WIRELESS, VERIZON SERVICES CORP.,
VERIZON BUSINESS GLOBAL LLC,
VERIZON BUSINESS NETWORK
SERVICES LLC, VERIZON CORPORATE
SERVICES GROUP INC., VERIZON DATA
SERVICES LLC, and VERIZON ONLINE
LLC,

Defendants,

ERICSSON INC.,

Intervenor-Defendant.

C.A. No. 2:22-cv-394-JRG

DEFENDANTS' MOTION FOR CONTINUANCE OF TRIAL DATE

On September 30, 2024, the Court set a trial date of December 6, 2024. Defendants respectfully request that the Court continue the trial date by at least one business day, to December 9, 2024, to accommodate the availability of Defendants' local counsel. Moreover, on account of the forthcoming Final Written Decisions in two pending IPRs addressing all asserted claims of both patents in mid-December and mid-January, Defendants respectfully submit it would be in the interest of judicial economy to continue the trial date into February or later.

Defendants' local counsel, Deron Dacus, is lead counsel in a trial scheduled for December 2 through December 6, 2024, in the matter of *Parker et al v. 849 Red Baron Supply Co., LLC et al.*, Cause No. 20-1554-C, (241st Judicial District, Smith County, Tex.). Accordingly, if this case proceeds to trial on December 6, 2024, Mr. Dacus will not be able to participate in *voir dire*. Mr. Dacus led *voir dire* for Defendants at the prior trial, and he is expected to do so again here. Defendants submit that proceeding with jury selection without their local counsel would be prejudicial. Accordingly, Defendants respectfully request that trial be rescheduled at least until December 9, 2024.

The Final Written Decision in the currently pending IPR proceeding for the '931 Patent will issue on or before December 13, 2024. *See* IPR2023-00978 at Dkt. No. 20 (institution decision issued on December 14, 2023). Given the PTAB's common practice of issuing Final Written Decisions a few days before the statutory deadline, it is likely that the Final Written Decision will issue sometime in the middle of the week of December 9, 2024. The Final Written Decision on the '794 Patent is due on January 9, 2025. *See* IPR2023-01147 at Dkt. No. 14 (institution decision dated January 9, 2024). Thus, by mid-January, the parties will know whether either of the patents will have survived the IPRs. Defendants respectfully submit that it would conserve judicial and party resources to hold a trial after the Final Written Decisions issue, as the outcome of those proceedings will likely impact the scope of this trial, and whether a trial is needed at all.

For the foregoing reasons, Defendants respectfully request that the Court continue the trial until February or later on account of the IPRs, or at minimum, until December 9, 2024, to allow Defendants' local counsel to participate in *voir dire*.

During the meet and confer process, General Access stated it would not oppose continuing the trial date to December 9, 2024, and that doing so would be "desirable" for it as well, to

accommodate a witness scheduling issue. *See* Ex. 1. However, General Access stated it would oppose a longer continuance (*see id.*), indicating on the meet and confer conference, that its opposition was based on its desire to have all appeals, including of the IPRs and of the district court proceeding, proceed expeditiously and at the same time. Defendants respectfully submit that this does not outweigh the significant conservation of judicial and party resources resulting from a stay pending outcome of both Final Written Decisions, which will likely impact the need for and scope of any potential trial.

Dated: October 10, 2024

By: /s/ Josh A. Krevitt

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Attorneys for Intervenor Ericsson Inc.

CERTIFICATE OF SERVICE

I hereby certify that on October 10, 2024, the foregoing was served upon all counsel of record who have consented to electronic service.

/s/ Josh A. Krevitt

Josh A. Krevitt

CERTIFICATE OF CONFERENCE

On October 10, 2024, counsel for Defendants, Andrew Robb, met and conferred with counsel for General Access, Glen Summers. General Access stated it would not oppose a continuance to December 9, 2024, but that it would oppose any continuance beyond that date.

/s/ Andrew Robb

Andrew Robb